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April 30, 2021

**VIA ECF**

Magistrate Judge Debra C. Freeman  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**Re: Antonio Morales et al. v. 740 Roast Corp. d/b/a Roast Kitchen et. al.**  
**Index No.: 20-cv-03740 (ALC)**

Dear Judge Freeman:

This firm represents 740 Roast Corp. d/b/a Roast Kitchen (the “Company”), Peter Xenopoulos (“P. Xenopoulos”) and Alexander Xenopoulos (A. Xenopoulos”) (collectively, “Defendants”) in connection with the above-referenced matter.

The Parties are in receipt of the Court Order dated April 20, 2021 whereby the Parties request for an extension of time on the discovery schedule was denied without prejudice to renew upon a specific showing of good cause. The Parties submitted a request for an extension of time to complete discovery because there was confusion among counsel as to whether the Court had adopted the parties’ proposed schedule. The Parties mistakenly anticipated a discovery Order from the Court which would initiate the discovery process, and thus have not yet served discovery demands on each other. We now understand that the discovery schedule was in fact set by Your Honor at the conference, and the Parties were expected to adhere to same. We jointly apologize to the Court for any confusion.

In light of the above, we submit this letter with Plaintiff’s counsel, to respectfully request that the Court So-Order the below revised proposed discovery schedule, which includes shorter deadlines than previously requested in an effort to move this case forward and prevent any further delay:

- Service of Initial Document Requests and Interrogatories: May 10, 2021
- Any Motion for Joinder of Other Parties or Amendments of the Pleadings: June 15, 2021
- Completion of Fact Discovery: November 15, 2021
- Expert Disclosures and the completion of Expert Discovery, if any: January 31, 2022

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We thank Your Honor for your attention to this matter.

Respectfully submitted,  
Kaufman Dolowich & Voluck, LLP



Erika Rosenblum

Cc: All Counsel of Record (*via* ECF)

4816-1211-7991, v. 1

Although the parties should assume that the Court's oral rulings will control, counsel's confusion here is still understandable, as this Court generally does issue a written scheduling order memorializing any schedule set on the record of a case management conference, and neglected to do so after the initial pretrial conference held in this case. Under the circumstances, the proposed modified discovery schedule set out in this letter is adopted.

SO ORDERED



DEBRA FREEMAN

United States Magistrate Judge

Dated: 04/30/2021